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October 26, 2012

**VIA ECF**

The Honorable Gary M. Browne  
United States District Court  
Eastern District of New York  
100 Federal Plaza  
Central Islip, NY 11722

**RE: Hauptman v. United  
12 CV 3520 (JS) (GRB)**

Dear Magistrate Judge Browne:

I represent the plaintiff in the above referenced matter. I have prepared a three and one half page letter which states why this Court should not recommend that the case be dismissed. Where Your Honor's order has directed the parties to file a three page letter, I make this application to have my letter in its present form which will be filed shortly be deemed accepted by the Court.

If the Court denies this application, I respectfully request until Monday to refile the letter as three pages.

Thank you for the Court's consideration of the foregoing.

Yours faithfully,

/s/

Adam J. Fishbein

cc: Shari Skolnick, Esq.